

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9           KENNETH WARREN PERKINS,         )      No. C 07-1672 MMC (PR)  
10           Petitioner,                          )  
11           v.                                      )  
12           D.K. SISTO, Warden,                 )      **ORDER OF DISMISSAL**  
13           Respondent.                         )  
14    )  
\_\_\_\_\_

15           On March 5, 2007, petitioner, a California prisoner proceeding pro se, filed the above-  
16           titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the Eastern District  
17           of California. On March 23, 2007, the case was transferred to this court. The instant petition  
18           challenges a restitution fine imposed as part of a 1990 sentence on a conviction obtained in  
19           Lake County Superior Court. Prior to filing the instant petition, petitioner filed another  
20           petition in this district challenging the same conviction and sentence. See Perkins v. Snyder,  
21           No. 92-3620 SBA (PR). That petition was denied on August 26, 1993, and the United States  
22           Court of Appeals for the Ninth Circuit thereafter denied petitioner's request for a certificate  
23           of appealability.

24           A second or successive petition may not be filed in the district court unless the  
25           petitioner first obtains from the appropriate United States Court of Appeals an order  
26           authorizing the district court to consider such petition. See 28 U.S.C. § 2244(b)(3)(A). Here,  
27           petitioner has neither sought nor obtained such an order from the United States Court of  
28           Appeals for the Ninth Circuit. Accordingly, the instant petition is hereby DISMISSED.

1           In light of petitioner's lack of funds, his applications to proceed in forma pauperis are  
2 hereby GRANTED.

3           This order terminates Docket Nos. 2 & 5.

4           The Clerk shall close the file.

5           IT IS SO ORDERED.

6           DATED: June 20, 2007

*Maxine M. Chesney*  
7 MAXINE M. CHESNEY  
8 United States District Judge